

APPEAL NO. 022861
FILED DECEMBER 20, 2002

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on October 9, 2002. With respect to the issues before her, the hearing officer determined that the appellant's (claimant) compensable injury of _____, includes an injury to her right wrist in addition to her right hand, but does not include an injury to her right forearm, right shoulder, or the central disc herniation/protrusion at C5-6; and that the claimant did not have disability, as a result of her compensable right hand and right wrist injury, from May 8, 2002, through the date of the hearing. In her appeal, the claimant challenges the hearing officer's determinations that her compensable injury does not include her right forearm, right shoulder and cervical spine, and that she did not have disability from May 8, 2002, through the date of the hearing as being against the great weight of the evidence. In its response to the claimant's appeal, the respondent (carrier) urges affirmance.

DECISION

Affirmed.

The hearing officer did not err in determining that the claimant's compensable injury did not extend to and include her right forearm, right shoulder, or cervical injuries and that she did not have disability, as a result of the compensable right hand and wrist injury, from May 8, 2002, through the date of the hearing. Those issues presented questions of fact for the hearing officer to resolve. The hearing officer is the sole judge of the weight and credibility of the evidence. Section 410.165(a). As the trier of fact, the hearing officer resolves the conflicts and inconsistencies in the evidence and decides what facts the evidence has established. Texas Employers Ins. Ass'n v. Campos, 666 S.W.2d 286 (Tex. App.-Houston [14th Dist.] 1984, no writ). The hearing officer was acting within her province as the fact finder in determining that the claimant did not sustain her burden of proving that her compensable injury included right forearm, right shoulder, or cervical injuries. The hearing officer likewise was free to determine, based on the evidence that the claimant was able to function in a light-duty job with the employer from April 17 to May 8, 2002, when the claimant's new treating doctor took her off work, that the claimant did not have disability from May 8, 2002, through the date of the hearing. Nothing in our review of the record reveals that the challenged determinations are so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. Accordingly, no sound basis exists for us to reverse the extent-of-injury and disability determinations on appeal. Cain v. Bain, 709 S.W.2d 175 (Tex. 1986).

The hearing officer's decision and order are affirmed.

The true corporate name of the insurance carrier is **AMERICAN CASUALTY COMPANY OF READING, PENNSYLVANIA** and the name and address of its registered agent for service of process is

**CT CORPORATION SYSTEM
350 NORTH ST. PAUL
DALLAS, TEXAS 75201.**

Elaine M. Chaney
Appeals Judge

CONCUR:

Susan M. Kelley
Appeals Judge

Edward Vilano
Appeals Judge